

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2002-11

March 19, 2002

DANA LILLY  
Appeal of Consumer Assistance Division  
Decision #2001-10615 Regarding  
Central Maine Power Company

ORDER

---

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

---

**I. SUMMARY**

In this Order, we uphold the Consumer Assistance Division (CAD) decision of November 21, 2001 and decline to investigate this matter further.

**II. BACKGROUND**

In August 2001, Mr. Dana Lilly complained to the CAD about an ongoing dispute he had with Central Maine Power Company (CMP) concerning high usage at his home. On November 21, 2001, CAD issued its decision. The entire history of this matter is contained in that decision (attached as Attachment 1) and is not repeated here. In summary, CAD found that CMP had acted reasonably in meeting with the customer to discuss usage, testing the meter a number of times, replacing the meter, and testing the new meter. CAD found that the meters had tested within the specifications of the Commission's rules (Chapter 35) and Mr. Lilly was responsible for paying for the usage registered on the meters. Therefore, the remaining unpaid balance of \$1,854.07 was due on the account. CAD also found that CMP was not responsible for On Target's failure to find an underground line located on the private property around Mr. Lilly's residence.

Mr. Lilly submitted a letter on December 4, 2001 stating that the decision contained "gross inaccurate statements of fact" and "misinterpretations of current law." He also requested an additional 45 days to develop his appeal.

In February 2002, the Director of CAD called Mr. Lilly and asked if he planned to submit additional information. He stated that he believed the record was complete for the Commission to review his appeal and submitted no further information.

**III. DECISION**

Having reviewed the information compiled by CAD, we uphold CAD's decision. As stated by CAD, absent a defective meter, the customer is responsible for paying for electricity that is registered as being passed through the meter. We further find no errors in interpretation of any statutes or rules under our jurisdiction. Therefore, Mr. Lilly

should contact CMP and make arrangements for paying the balance remaining on his account.

Dated at Augusta, Maine, this 19<sup>th</sup> day of March, 2002.

BY ORDER OF THE COMMISSION

---

Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.